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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION No.146 OF 2006

Shankarayya N. Veggalam .... Applicant

Vs.

Yadgiri V. Bhairi ... Respondent

Mr. Shrishail Sakhare Advocate for the Applicant.

CORAM : D. G. KARNIK, J.

DATE : SEPTEMBER 7, 2006.

P.C.

1. This Revision Application is directed against the order dated 13th June, 2006, passed by the IXth Jt. Civil Judge J.D. Solapur in Regular Darkhast No.6 of 2002.

2. The Respondent had filed a suit bearing Regular Civil Suit No. 1122 of 1996 against the Petitioner in the Court of Civil Judge J.D. Solapur. Therein the court passed a consent decree , under which the Petitioner agreed to hand over the possession of the suit premises to the Respondent within a period of two years. The consent decree also directed the Petitioner to pay to the Respondent mesne profits at the rate of Rs.500 per month from the date of consent decree till handing over

the possession as also the electricity bills.

3. As the Petitioner did not pay the amount as per the consent decree, the Respondent put the decree in execution by filing an execution petition (Regular Darkhast) No. 6 of 2006) The respondent claimed the amount at the rate of Rs.500 per month + electricity charges. The Petitioner objected to the execution petition on several grounds. After considering the objections , by the impugned order dated 13th June, 2006 the Civil Judge J.D. overruled the objections and directed issuance of attachment warrant against the property of the Petitioner.

4. I have gone through the impugned order. No error of jurisdiction is committed by the executing court. The executing court has decided the objections on merits and has issued the warrant of attachment. Under Section 115 of the Code Procedure, the Revisional Jurisdiction is limited, which can be exercised only where Court fails to

exercise the jurisdiction vested in it or assumes the jurisdiction not vested in it or exercises the jurisdiction with material irregularity. No irregularity in exercise of jurisdiction is pointed out. Hence, the Revision Application is dismissed summarily.

[D. G. KARNIK, J.]